

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-4 are amended and new claims 5 and 6 are added.

Support for the claim changes is found, for example, in FIGS. 4 and 5 at 2, 6 & 7.

In view of the above, it is respectfully submitted that claims 1-6 are currently pending.

II. ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response and Request for Reconsideration because:

(b) it is believed that the amendment of claims(s) 1-4 and the addition of claims 5 and 6 put this application into condition for allowance as suggested by the Examiner;

(c) the amendment(s) were not earlier presented because the Applicant(s) believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(d) based on the previous consideration by the Examiner, the amendment(s) of claim(s) 1-4 and the addition of claims 5 and 6 should not entail any further search by the Examiner; and

(e) the amendment(s) do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

III. OBJECTION TO CLAIM 4 UNDER 35 U.S.C. 132

The Examiner asserts that "in amended claim 4, the recitation of a "slit" do not find a proper antecedent basis for the claimed subject matter." Examiner further asserts that the disclosure as originally filed refers to the cited limitation as a "cutout".

However, "slit" is clearly described in the drawings as originally filed. See, for example, FIG. 2 at 4. Furthermore, the term "slit" is defined in Webster's dictionary as "a long narrow cut or opening". As such, although the disclosure as originally filed refers to "cutout", it is respectfully submitted that one of ordinary skill in the art would readily determine that FIG. 4 at 2 is also a "slit".

It is respectfully submitted that such reference to "slit" as supported by the drawings in, for example, FIG. 2 at 4, is sufficient to meet the requirements of the PTO with respect to the disclosure in the drawings.

In view of above, it is respectfully requested that the objection be withdrawn.

IV. REJECTION OF CLAIMS 1-3 UNDER 35 U.S.C. 112, SECOND PARAGRAPH

The Examiner notes that the phrase "hook-like" render claims 1-3 indefinite. Therefore, claims 1-3 are being amended to change "hook-like" to --hook-shaped--. In view of the Examiner's comments in item 3 of page 2 of the Office Action, it is respectfully submitted that claims 1-3 should now be allowed.

V. REJECTION OF CLAIMS 1, 3 AND 4 UNDER 35 U.S.C. 102(b) AS BEING ANTICIPATED BY KRANTZ (U.S. PATENT NO. 1,557,006)

Claim 1, as amended, specifically recites "the angled section extends out and away from the rear wall when assembled, and the hook-shaped extensions extend out of said angled section and then extend back toward said rear wall". Krantz fails to disclose, suggest or teach such hook-shaped extensions that extend in the manner recited in, for example, claim 1. Instead, Krantz discloses rectangular openings 9 and tongues 16 whose configuration and design fail to anticipate Applicant's invention as claimed in, for example, claim 1. See Krantz at page 1, lines 83-91, figures 1-3 at 9, 16.

In Krantz, outward movement of the end-wall members is prevented by means of the tongues 16 that are upstruck from the metal of the flanges 14 and which are punched inwardly through the rectangular openings 9 in the offset portions 8 so that the free ends of the tongues 16 engage the outer walls of the rectangular openings 9. See Krantz at page 1, lines 83-91, figures 1-3 at 9, 16. However, Krantz fail to disclose the specifics and configuration of Applicant's invention as recited in, for example, claim 1 wherein "the angled section extends out and away from the rear wall when assembled, and the hook-shaped extensions extend out of

said angled section and then extend back toward said rear wall."

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER BRANDLE (U.S. PATENT NO. 3,093,291)

In the present invention as recited, for example, in claim 4, a casing comprises, amongst other novel features, a pair of hook-shaped extensions extending from the angled portion of the rear wall at positions corresponding to the slits such that when assembled, each hook-shaped extension snaps into a slit, wherein the hook-shaped extensions are sloped such that the width increases from a front to a back of the hook-shaped extensions.

Brandle discloses a container fabricated of paperboard flap 21 such that flaps 19, 21, 29 and 31 are utilized as a lock means for locking the units of the carton together. See Brandle at column 1, lines 8-12; column 2, lines 64-67, figures 1 & 2.

However, the flaps 19, 21, 29 and 31 of Brandle fail to suggest, teach, or disclose "hook-shaped extensions" as recited in, for example, claim 4 of Applicant's claimed invention. Further, flap 21 fails to "snap" in a slit as recited by Applicant. Instead, the flap 21 in Brandle is **tucked** into a slot 18. See Brandle at FIGS. 5 & 6, column 2, lines 24 & 25. Furthermore, it is respectfully submitted Examiner's emphasis on "sheet-metal" fails to cure the deficiencies found in Brandle, in that, Brandle fails to disclose, teach or suggest Applicant's claimed invention as recited in, for example, claim 4 with a casing comprising "hook-shaped extension" which "snaps into a slit".

Additionally, claim 4 has been amended to recite the angled portion extends out and away from the rear wall when assembled, and the hook-shaped extensions extend out of said angled portion and then extend back toward said rear wall. There is no suggestion in Brandle for this feature.

In view of the above, it is respectfully submitted that the rejection is overcome.

VII. CALL FOR EXAMINER TO PROVIDE AN AFFIDAVIT SUPPORTING USE OF PERSONAL KNOWLEDGE

In rejecting claims 1-4 under § 103(a), the examiner fails to provide any source that teaches the sheet-metal feature missing from U.S. Patent No. 3,093,291 ("Brandle"). Therefore, the applicant presumes that the examiner is relying upon personal knowledge, and the applicants respectfully request the examiner to provide an affidavit supporting the assertion. See 37 C.F.R. §1.104(d)(2) ("When a rejection in an application is based on facts within the

personal knowledge of an employee of the Office . . . the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.").

VIII. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 6 2003

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501